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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,172	06/20/2003	Michael Vigue	11688-002002	9711

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FISH & RICHARDSON PC  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
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BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/600,172

**Applicant(s)**

VIGUE ET AL.

**Examiner**

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5 September 2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

1.a. The status of parent application 09/591,200 has not been given at page 1 of the specification, where an indication of its having gone abandoned should be provided.

1.b. Also, the Examiner notes that this application has a preliminary amendment that leaves pending only claims to an invention indicated as distinct in parent application 09/591,200 and non-elected during its prosecution. Did applicant therefore intend to denote this as a Divisional, instead of a Continuation as per the filing?

2. The abstract is objected to as not being directed to the subject matter that is claimed. It appears that the abstract originally filed with the parent application has been carried forward into the present continuing application. However, there is no mention of the invention relating to the presentation of "a map" illustrating interrelatedness of team members, indication of "mentors" or the annotation of "a history of communications", as in the claims 20 – 22 that remain.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyworth, II et al. ("Keyworth"; US #5,579,472).

As per the “electronic user interface” of independent claim 20, Keyworth’s GROUP-ORIENTED COMMUNICATIONS USER INTERFACE presents messages that are segregated and presented for review by the subscriber according to whether the originator is within a select group of routinely contacted individuals (Abstract), where the other users that are pertinent appear in the VIP Gallery of fig 3 (see also col 4, lines 21 – 56). Such an interface provides “a map that illustrates relationships among members of a team working on an enterprise management task”, since the users indicated in the VIP Gallery are a select group of individuals from among those with whom he or she routinely communicates (col 4, lines 1 – 8). By appearing within the VIP Gallery, with its links to user-specifics such as the ones given for Dr. Mandelbrat in fig 5, “the relationships” are “illustrated in a manner that identifies the significance of the role of each member”. When another user in Keyworth appears within a given user’s “electronic user interface”, such an indication shows “the significance of the role of each member” because of the association with the user in whose interface the profile appears. A user group whose message-traffic is segregated as per Keyworth establishes the “role” of membership within that group of “team” members at the “enterprise”. Furthermore, since the VIP Gallery consists of users who are routinely contacted, the display in Keyworth “identifies the frequency of interaction of the user of the interface with other members of the team”, something that is also indicated by the reporting of message traffic such as in fig 3. Other users with no ongoing communications with the focus user are not shown, in favor of the routinely contacted VIP users that are.

As per independent claim 22's "facility that automatically assembles and displays a history of communications and activities among members of a team who are working on an enterprise task", applicant's attention is again drawn to the manner in which Keyword's message index, which divides "communications and activities" on a per-user and per-medium basis (fig 3), will show "history". The interface will "annotate and manipulate the information" and present the results as "a case that can be studied by others who are working on similar tasks", since the other users in Keyword will also be given indications of who has been messaging whom, and thus, the details of "a case" represented by communications that the users have in common. Should the instant user in Keyword have an annotated history with another user as in fig 7's transcript of what has transpired with Dr. Mandelbrat, the Keyword system has this transcript maintained to be seen at least by Dr. Mandelbrat himself, and Dr. Mandelbrat will be one of "others who are working on similar tasks".

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth.

As per independent claim 21, where the “electronic interface” has “a map that illustrates relationships between a user of the interface and a set of people who represent mentors of the user”, while other-user contacts are shown *per se* in the VIP index of Keyworth’s display, they are not **explicitly** shown as “mentors”, though it is suggested by such representations as those for Dr. Mandelbrat, that subject matter experts who have such a relationship to the instant Keyworth user should logically be found in the routinely contacted set.

But it would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to show indications of “mentors” within a Keyworth-style interface, because such users would be well-provided with a connection of this kind to the users for whom they are “mentors”. Motivation for this particular extension of Keyworth can be found in the Keyworth disclosure itself, in which ongoing communications of particularly-pertinent staff members in an enterprise are given in the VIP Gallery. The “mentor” is an example of one with whom the focus user in Keyworth would be advantageously connected, with message traffic for such a user having a position of prominence.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining US Patent documents made of record (see attached form PTO-892) generally relate to the topic of providing computing facilities that aid interactions within a group such as that found within an enterprise.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

10 January 2007